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EXAMINER

HSU, RYAN

ART UNIT

PAPER NUMBER

3714

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/902,901	Applicant(s) BENNETT ET AL.	
	Examiner Ryan Hsu	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-17, 21-38, 40, 42-53, 55 and 61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-17, 21-38, 40, 42-53, 55 and 61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

In response to the amendments filed on 8/16/07, claim 27 has been amended and claims 39, 41, 54, and 56-60 have been canceled. Claims 2-17, 21-38, 40, 42-53, 55 and 61 are pending in the current application.

***Claim Objections***

Claim 4 and 21 are objected to because of the following informalities: in claim 4: “wherein balls or balls are projected” should be “wherein ball or balls are projected”. In claim 21, the applicant interchanges between “subgames” and “sub-games”, while the applicant is free to choose his or her own lexicon if these two items are to mean the same feature then they should be kept consistent throughout the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations in the claims refer to the definition of targets as different embodiments however, these claims are dependent upon claim 21 which has no mention of a target and therefore renders the claims indefinite as the intended subject matter which the applicant regards as his invention is not distinctly pointed out.

***Allowable Subject Matter***

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Claims 26-28 are directed towards allowable subject matter and are objected as being dependent upon a rejected base claim, but the subject matter would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 2-10, 12-17, 21-25, and 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Sines et al. (US 6,203,009).**

Regarding claim 21, Sines et al. disclose an electronic gaming console having credit means, reward means, game control means, display means, and player input controls, the control means being responsive to the credit means and the player input controls to play a game which is displayed on the display means and if a winning event occurs, a player reward is awarded by the reward means, the gaming console being characterized in that the game provides a video display, for displaying a game image of a hybrid game comprising two different sub-games played simultaneously (*see Fig. 1-2 and 8 and the respective related description thereof*). Sines discloses the first of the sub-games to include a first game image that is displayed on a video display wherein the

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game image comprises images of one or more rotatable reels of a spinning reel game and a second of the sub-games provides a game image displayed on the video display, the game image comprising a labyrinth of pins or pins and holes of a pin and ball game (*see Fig. 2 and the related description thereof*). Additionally, Sines et al. disclose wherein, the player input controls allow the player to initiate the motion of the one or more rotatable reels of the first sub-game and one or more ball images of the second sub-game on the display, player rewards being awarded on the occurrence of an event where one or more of the reel and one or more of the ball images come to rest in predetermined prize winning locations, the spinning reel and pin and ball sub-games each potentially contributing to a single hybrid game outcome which depends on outcomes of each of the sub-games and player rewards awarded to the player as a result of the combined game outcome are awarded as a result of events of the first and second sub-games and/or combinations of these events (*see Fig. 8 and the related description thereof*), and at least one of the game outcomes results in a preselected player reward being awarded when the reel game outcome and the pin and ball game outcome combine to define a preselected winning event (*see col. 7: ln 15-col. 11: ln 2*), at least one of the game outcomes being the award of a feature outcome, the feature outcome being the awarding of either a feature event or feature game or the awarding of a jackpot prize, the feature outcome being awarded when the reel game outcome and the pin and ball game outcome, when combined, together define a winning combination (*see col. 9: ln 40-col. 10: ln 37*), wherein the pin and ball game has a number of prize zones each offering at least one bonus feature or prize, wherein the number and position of the prize zones is variable from game to game, wherein the number and position of the prize zones are selectable by

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a player, and wherein the number and position of the prize zones are selected as a result of the size of a bet wagered by the player on the particular game (*see col. 5: ln 5-col. 7: ln 36*).

Regarding claim 2, Sines disclose a gaming console wherein prize winning outcomes are determined by an outcome of the spinning reels game and may be modified by a ball arriving at a bonus position of the pin and ball game (*see Fig. 1-2 and the related description thereof*).

Regarding claim 3-4, Sines disclose a gaming console wherein the reels stop spinning before the ball or balls reach the bonus position. Additionally, Sines disclose a gaming console wherein the ball or balls are projected from a location remote from the labyrinth and reels stop spinning before the ball or balls enter the labyrinth (*see Fig. 4 and 6 and the related description thereof*).

Regarding claim 5, Sines disclose a gaming console wherein the spinning reels comprises a plurality of reels each carrying a plurality of symbols located sequentially around its circumference, such that when the reels spin and stops a result is defined by an outcome line of symbols formed by one symbol from each reel which is in a predetermined stopping position of the respective reel, prize winning combinations of symbols being predefined and a prize being awarded if one of the prize winning combinations occurs on the outcome line (*see Fig. 6 and the related description thereof*).

Regarding claims 6-7, Sines disclose a gaming console wherein at least one substitution location is defined in the pin and ball game such that if a ball comes to rest at

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the substitution location a symbol is substituted for a symbol in the outcome line of the spinning reel game to assist in forming a prize winning combination.

Regarding claims 8-10, Sines disclose a gaming console wherein the substituted symbol is determined to be the same as any two symbols of a kind that occur on the outcome line of the spinning reel game (*see Fig. 6 and the related description thereof*). Additionally, Sines disclose a substituted symbol as a predetermined symbol and the substituted symbol will only modify the outcome of the spinning reel game if the two symbols of a kind match the predetermined symbol and the prizes are awarded based on the predetermined matching symbols is made in redeemable credits (*see credit [64] and selected prize zone[36] of Fig. 6 and the related description thereof*).

Regarding claim 12-13, Sines disclose a gaming console wherein the prizes provided in the game have values which are a function of the number of credits bet and the ball arrives in a predetermined location the outcome of the spinning reel game is modified by modifying the prize associated with the outcome combination (*see Fig. 1 and the related description thereof*).

Regarding claim 14-15, Sines disclose a gaming console wherein an outcome of a main game awards the player with a bonus game characterized in that the bonus game displays a game image of the bonus game on the video display, the game image comprising, one or more targets in a game field and the player input controls allow the player to initiate the motion of one or more ball images on the display, player rewards being awarded when the ball images come to rest in or pass through predetermined prize winning target positions (*see Fig. 7 and the related description thereof*).

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Regarding claim 16-17, Sines disclose a gaming consol wherein holes are positioned behind each of the targets to allow a ball to pass through a target, such that the target remains empty to receive further balls during a game and additional pins and/or holes are scattered around the first in addition to those associated with targets (*see Fig. 8 and the related description thereof*).

Regarding claims 22-25, Sines disclose wherein the prize zones comprise of targets such that if a ball comes to rest in or on the target, a reward is awarded wherein the targets are surfaces of objects or containers (*see Fig. 1 and the related description thereof*). Furthermore, Sines disclose each target formed as a pair of virtual pins appearing to extend out of the game image and having a container suspended between them (*see Fig. 8 and the related description thereof*).

Regarding claim 29-33, Sines disclose wherein the prize values associated with targets change from game to game and the number of containers provided is related to the number of credits bet. Additionally, the prize-winning locations comprise balls landing in a container in a predetermined outcome (*see Fig. 6 and the related description thereof*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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**Claims 11, 34-38, 40, 42-53, 55, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sines et al. (US 6,203,009 B1).**

Regarding claims 11, 34-38, 40, 42, 43-53, 55, and 61, Sines teaches a gaming console that determines an outcome of a spinning reel game based upon a result from the ball or balls dropped in the pachinko game and a spinning reel game so that a player's bonus (*ie: an award, bonus condition, multiplier, free games, extra balls*) is awarded based upon the outcome combination of these two games (*see Fig. 1 and the related description thereof*). These types of games are called a hybrid game and awards prizes in response to a predetermined trigger. Additionally, Sines teaches the implementation of a feature game that is a slot game that is played in conjunction with the hybrid game. It is old and well known in the art that a game machine is capable of implementing any game with that of a keno game, a bingo, game, a card game as such games are not patentably distinct from one another and it would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of any of these art equivalent games with that of a slot machine as taught in Sines (*see Fig. 1-8 and the related description thereof*). Furthermore, Sines teaches a gaming console wherein the trigger conditions to run the feature game is achieved by the collection of one or more balls in a predetermined prize zone.

Regarding claim 38, Sines teaches a game console wherein the feature is a second screen animation (*ie: the hybrid pins fall and objects and symbols change dynamically on the screen*)(*see Fig. 8 and the related description thereof*).

#### ***Response to Arguments***

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Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



RH

September 5, 2007



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SUPERVISORY PRIMARY EXAMINER